

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: HB 1105

COMMITTEE: Environmental Matters

POSITION: Support with Amendments

TITLE: Private Wastewater Treatment Act of 2009

BILL ANALYSIS:

This bill defines “an onsite sewage disposal system” as a privately owned onsite wastewater treatment system that discharges into surface waters of the State. The Bill states that an onsite sewage disposal system may not be installed on a lot that has failed a percolation test and is not served by a public WWTP or if the onsite sewage disposal system is not consistent with the County Water and Sewer Plan.

POSITION AND RATIONALE:

MDE supports this bill with amendments. By COMAR definition, and recognized use, an onsite sewage disposal system is a system that discharges beneath the soil surface and not to the surface waters of the State. This legislation confuses or reinterprets what exactly an onsite sewage disposal system is. The Department has revised the legislation to allow local jurisdictions, through their water and sewer plan, to determine where and if direct sewage discharges to surface waters may be permitted.

FOR MORE INFORMATION,

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BY: The Maryland Department of the Environment

AMENDMENT NO. 1

Page one, lines 3 through 6, should be changed to read:

FOR the purpose of **ALLOWING A COUNTY TO DETERMINE IN THE COUNTY WATER AND SEWER PLAN WHERE** prohibiting a person from installing a certain privately owned on-site **INDIVIDUAL SEWERAGE SYSTEM** wastewater treatment system **MAY BE INSTALLED** under certain circumstances; defining a certain term; and generally relating to privately owned on-site wastewater treatment systems.

AMENDMENT NO. 2

Page one, lines 16 through 22, and page 2, lines 1 through 4, should be changed to read:

(A) IN THIS SECTION, “**INDIVIDUAL SEWERAGE SYSTEM ON-SITE TREATMENT SYSTEM**” MEANS A PRIVATELY OWNED **SYSTEM OF SEWERS AND PIPING AND TREATMENT TANKS OR OTHER FACILITIES SERVING ONLY A SINGLE LOT FOR DISPOSING OF SEWAGE. ON-SITE WASTEWATER TREATMENT SYSTEM THAT DISCHARGES INTO SURFACE WATERS OF THE STATE.**

(B) A PERSON MAY NOT INSTALL AN **INDIVIDUAL SEWERAGE SYSTEM THAT DISCHARGES TO THE SURFACE WATERS OF THE STATE UNLESS THAT SYSTEM IS INDIVIDUALLY LISTED IN THE COUNTY WATER AND SEWER PLAN. ON-SITE TREATMENT SYSTEM IN THE STATE IF:**

(1) **THE LOT ON WHICH THE SYSTEM IS TO BE LOCATED;**
(4) **FAILS A SOIL PERCOLATION TEST; AND**

(1) **IS NOT SERVED BY A PUBLICLY OWNED WASTEWATER TREATMENT FACILITY; OR**

(2) **THE ON-SITE TREATMENT SYSTEM IS INCONSISTENT WITH A COUNTY WATER AND SEWER PLAN.**